

Appl. No. : 09/817,535  
Filed : March 26, 2001

REMARKS

In the Office Action, the Examiner notes that Applicant's arguments with respect to the rejections of claims 1-4, 6, 9-14, 16-18, and 20-22 were fully considered and were persuasive and the rejections were withdrawn. However, upon further consideration a new grounds of rejection was made in view of Combini, Netship, and Yamada.

Claims 1, 2, 6, and 20 were rejected under 35 USC 103(a) as being unpatentable over

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synchronism from different points of origin to allow for minor schedule deviations.

Once all the orders arrive, they are aggregated and transferred to the consumer.

- (c) For each consumer, a convenient temporary storage facility and a convenient date and time are selected for the physical aggregation of the set of orders destined to that consumer and the subsequent transfer of the resulting aggregated orders to the consumer.
- (d) To eliminate inventory costs, the items in each order are sent to the selected temporary storage facility from each point of origin in accordance with a just-in-time scheduled whereby they arrive at that facility just-in-time to be all aggregated and then transferred to the consumer in a single operation. This strategy eliminates the need for stocking warehouses between the point of origin (which can be the manufacturing point) and the temporary storage facility.

#### Response to Rejections

By focusing on specific references, claims and limitations in the remarks that follow, Applicant does not intend to imply an agreement with the Examiner's assertions with respect to other references, claims, and limitations.

#### **As to Independent Claim 23**

New independent Claim 23 has been added. Support for Claim 23 can be found, for example, in the specification at steps 2201-2203 [73:16-74:2], at step 2301 [77:29-78:2], at steps 2221-2222 [75:3-10], at steps 2231-2233 [76:9-18], at step 1107 [52:4-5], [74:17-23], at steps 1022-1027 [49:3-14], at steps 1202-1204 [53:2-8], at steps 2304-2308 [78:8-21], at steps 2231-2233 [76:12-18], at steps 1701-1703 [62:5-15], at steps 2209-2210 [74:24-25], at steps 2211-2212 [75:1-2], and more generally at steps 2301-2308 [77:29-78:21] and in the figures at Figure 22A-B, Figure 11B, Figure 10C, Figure 12, Figure 17, Figures 22A-B, and Figure 23.

#### **As to New Claim 24**

New Claim 24 has been added to make clear that the association recited in Claim 23 can be indirect.

Support for Claim 24 can be found, for example, in the specification at step 2301 [77:29-78:2] and at steps 2201-2202 [73:16-23] and in the figures at Figure 23 and Figure 22.

#### **As to New Claim 25**

New Claim 25 has been added.

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Support for Claim 25 can be found, for example, in the specification at steps 600-602 [36:16-19] and at step 2202 [73:18-21] and in the figures at Figures 6A and 22A.

**As to New Claim 26**

New Claim 26 has been added to make clear that the consumer has the opportunity to select the temporary storage facility from which to pickup the aggregated order.

Support for Claim 26 can be found, for example, in the specification at [3:27-4:4], at step 1107 [52:8-10], at step 1105 [51:27-28], and at step 2205 [74:4-5] and in the figures at Figures 11A-B, and Figure 22.

**As to New Claim 27**

New Claim 27 has been added to make clear that the consumer has the opportunity to select the date and time for receiving the aggregated order.

Support for Claim 27 can be found, for example, in the specification at step 1107 [52:8-12] and at step 1109 [52:14-16] and in the figures at Figures 11B.

**As to New Claim 28**

New Claim 28 has been added to make clear that the Product Distribution Management System reduces transportation costs by transporting together all the items to be sent from the same point of origin, within a comparable schedule, to the same temporary storage facility.

Support for Claim 28 can be found, for example, in the specification at [32:11-14], at steps 1022-1027 [49:3-14], at steps 1202-1204 [53:2-8], at step 2206 [74:5-10], and at step 2207 [74:17-23] and in the figures at Figure 10C, Figure 12, and Figure 22.

**As to New Claim 29**

New Claim 29 has been added to make clear that the Product Distribution Management System controls all transportation schedules, including those from the point of origin to the temporary storage facility.

Support for Claim 29 can be found, for example, in the specification at steps 1022-1027 [49:3-14] and in the figures at Figure 10C.

**As to New Claim 30**

New Claim 30 has been added to make clear that the Product Distribution Management System coordinates all the activities associated with scheduling, transporting, and aggregating, at convenient temporary storage facilities, items purchased by consumers from a plurality of distinct merchants.

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Support for Claim 30 can be found, for example, in the specification at steps 1024-1027 [49:7-14] and steps 2207-2209 [74:11-29] and in the figures at Figure 10C and Figure 22A.

**As to New Claim 31**

New Claim 31 has been added.

Support for Claim 31 can be found, for example, in the specification at steps 2221-2223 [75:3-76:2] and at step 2308 [78:18-21] and in the figures at Figure 22B and 23.

**As to New Claim 32**

New Claim 32 has been added.

Support for Claim 32 can be found, for example, in the specification at steps 1031-1032 [49:24-29] and in the figures at Figure 10D.

**As to New Claim 33**

New Claim 33 has been added.

Support for Claim 33 can be found, for example, in the specification at steps 2231-2233 [76:9-18] and in the figures at Figure 22B.

**As to New Claim 34**

New Claim 34 has been added.

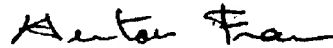
Support for Claim 34 can be found, for example, in the specification at step 2234 [76:19-25], at steps 1200-1204 [52:20-53:8], and at step 2307 [78:15-17] and in the figures at Figure 12, Figure 22, and Figure 23.

**CONCLUSION**

In view of the foregoing remarks, Applicant submits that the application is in condition for allowance. If, however, issues remain which can potentially be resolved by telephone, the Examiner is invited to call the Applicant at his direct dial number of (408) 730-0110.

Respectfully submitted,

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Hector Franco  
Applicant  
999-A La Mesa Terrace  
Sunnyvale, CA 94086  
(408) 730-0110